

## REMARKS

Claims 60-78 are pending in the instant application. Claims 1-59 are hereby cancelled without prejudice. Claims 60-78 are newly presented. Entry of this amendment and consideration of the pending claims are respectfully requested.

### *Double Patenting*

The Examiner provisionally rejected claims 1, 5, 6, 9, 15, 24, 29, 34, 36, 49, 54, and 59 under the judicially created doctrine of obviousness-type double patenting over copending Application No. 10/136,321 (hereinafter “the ‘321 application”). The Applicants respectfully request that the enclosed timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) be entered to overcome the instant nonstatutory double patenting rejections as suggested in the Office Action mailed April 26, 2004.

The Applicants wish to note that the filing of the enclosed Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) is not an admission to the propriety of the rejection. M.P.E.P. § 804.02 (8<sup>th</sup> Ed. February 2003); Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ2d 1392 (Fed. Cir. 1991). As stated by the Federal Circuit in the Quad Environmental Technologies decision, the “filing of a terminal disclaimer simply servers the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

### *Claim Rejections – 35 U.S.C. § 112*

Cancelled claims 4, 20, and 22 stood rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is moot, since claims 4, 20, and 22 have been cancelled herein.

### *Claim Rejections – 35 U.S.C. § 102*

Cancelled claims 1-3, 7, 8, 10-14, 16, 37-47, 50-52, and 55-57 stood rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,078,634 to Bosshart. Furthermore, cancelled claims 1, 5-7, 9, 15, 17-19, 21, 23-26, 29, 47-49, 52-54, and 57-59 stood rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.

5,490,059 to Mahalingaiah et al. (hereinafter "Mahalingaiah"). Since these claims have been cancelled, the instant rejections are now moot.

### *Claim Rejections – 35 U.S.C. § 103*

Claims 17-19, 23, 25-28, 30, 48, 53, and 58 stood rejected under 35 U.S.C. § 103(a) as being unpatentable over Bosshart in view of U.S. Patent No. 5,912,574 to Bhagwan. Furthermore, claims 31-36 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Bosshart. Since these claims have been cancelled, the instant rejections are now moot.

### *New Claims*

Apparatus claims 60-71 and method claims 72-78 are newly presented. Although the Examiner has not had an opportunity to review the newly presented claims, applicants will briefly comments on the new claims to expedite prosecution.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. § 2143.03.

For example, new independent claim 60 recites, in pertinent part,

... core logic coupled to the power input to receive the supply voltage to power operation of the core logic;  
a voltage controlled oscillator ("VCO") circuit coupled ... to generate a clock signal for the core logic having a first frequency dependent upon a level of the supply voltage; ...

FIG. 8 of Bosshart illustrates an OPAMP providing a CTRL signal to the VCO, but fails to disclose, teach, or fairly suggest the CTRL signal as a supply voltage to power core logic. FIG. 2 of Mahalingaiah illustrates a control unit 134 providing a Command [1:0] signal on line 122 to frequency synthesizer 110, but fails to disclose, teach, or fairly suggest the Command [1:0] signal as a supply voltage to power operation of the core logic. Bhagwan also fails to disclose, teach, or fairly suggest a VCO coupled

to generate a clock signal dependent upon a level of a supply voltage that is to power operation of core logic.

Finally, Applicants respectfully submit that it is not reasonable to equate a “supply voltage” to a “command signal” or to a “CTRL signal.” One of ordinary skill in the art would understand a “supply voltage to power operation of logic” to be different than a “command signal” or “CTRL signal” which convey data.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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Date: June 28, 2004 

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